

November 15, 2022

Elizabeth Goldentyer, D.V.M.,
Deputy Administrator
USDA/APHIS/Animal Care
[REDACTED]

Robert M. Gibbens, D.V.M.,
Director, Animal Welfare Operations
USDA/APHIS/Animal Care
[REDACTED]

Via email

**Re: Urgent request to confiscate animals held by Craig Kokas,
License No. 31-A-0031, terminate his license, and notify other law
enforcement agencies**

Dear Dr. Goldentyer and Dr. Gibbens:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) fully enforce the Animal Welfare Act (AWA) by (1) confiscating all animals held by Craig Kokas (License No. 31-A-0031) who are suffering as a result of his extensive, ongoing failure to comply with the AWA and its regulations, (2) terminating his license, and (3) notifying appropriate state and local law enforcement authorities of the dire conditions at Kokas' facility.

The USDA may confiscate any animal held pursuant to an AWA license who is found "to be suffering as a result of the failure of the [licensee] to comply with any provision of the [AWA and its] regulations," given that the agency first makes a reasonable effort to notify the licensee and provide an opportunity to rectify the situation. 9 C.F.R. § 2.129(a); *see* 7 U.S.C. § 2146(a). In addition, the AWA authorizes the USDA to cooperate with state and local authorities "in carrying out the purposes of [the AWA] and of any [s]tate, local, or municipal legislation or ordinance on the same subject." 7 U.S.C. § 2145(b). The USDA may terminate a license at any time where the licensee is not in compliance with the AWA regulations. 9 C.F.R. §§ 2.11(a)(2), 2.12.

The USDA must take urgent action pursuant to the above statutory authority with respect to Kokas, whose latest inspection report reveals that animals are suffering acutely as a result of his abject failure to comply with the minimum requirements of the AWA. During an October 4, 2022 inspection—a week after the USDA suspended Kokas' license for 21 days—an inspector found at least 22 animals in critical need of veterinary care. Among these animals were two minks with active wounds on their tails, whose injuries Kokas had seen "a few days prior" but not sought treatment for; five alpacas with excessively matted coats and poor body

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

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condition, including one who was nursing and “markedly underweight” to the point that her spine was “readily apparent even from a distance”; an Arctic fox who was “excessively thin” and had not received any veterinary care despite this issue having been identified during a prior inspection; and a young, unweaned raccoon who was missing her “left rear foot from the hock down,” with two ulcerated areas on the remaining stump, which began to bleed as she moved around her hazardous wire-bottom enclosure.¹ The inspector expressly stated that Kokas’ “[f]ailure to seek appropriate veterinary care for this animal ha[d] resulted in delayed healing, continued re-injury, and *unnecessary suffering*” (emphasis added).²

During this same inspection, the inspector additionally cited Kokas for not having an attending veterinarian, nor apparently any veterinarian available to timely examine the animals, since the former attending veterinarian “was no longer willing to see any of the animals at the property,” and a new veterinarian—who was allegedly “willing to become” the attending veterinarian but had not “entered into a formal arrangement with Kokas—was “not available to come to the facility until next week.”³ The lack of an attending veterinarian combined with the pressing need for veterinary care as observed by the inspector evince that animals held under Kokas’ license are suffering and will continue to suffer as a result of his failure to comply with the AWA.

The recent inspection report makes clear that Kokas is plainly aware of the conditions at his facility yet has refused to rectify them. Indeed, Kokas has incurred 55 citations so far this year for myriad, egregious violations of the AWA, including inadequate veterinary care; lack of shelter so acute as to cause “animals [to] suffer psychological and physical harm”; broken and dangerous enclosures; premises in “disarray” with “excessively large accumulations of feces”; and a chronic failure to provide sufficient drinking water, resulting in “at least 80-90% of the listed species drinking water excessively when it was offered.”⁴

The grave and worsening conditions at Kokas’ facility require urgent intervention. As such, PETA is calling on the USDA to confiscate all animals who are suffering at the facility as a result of Kokas’ ongoing, pervasive failure to comply with the AWA. *See* 7 U.S.C. § 2146(a), 9 C.F.R. § 2.129(a). PETA further urges the USDA to terminate Kokas’ license on the grounds of these rampant violations and to cooperate with state and local authorities to achieve the purposes of the AWA and other applicable animal welfare laws by alerting them to the conditions at Kokas’ facility. *See* 7 U.S.C. § 2145(b). The agency has recognized that it “should work with State and local authorities in [the] shared goal of eliminating animal cruelty,” and that confiscations should “be accomplished with maximum speed and effectiveness.”⁵ These actions are urgently needed here to address the dire conditions in which Kokas continues to hold several hundred animals under his AWA license, despite the USDA’s repeated citations and directives to correct his increasingly numerous violations.

Thank you for your attention to this critical matter.

¹ USDA, Inspection Report of Craig Kokas (Oct. 4 2022), at 2-4.

² *Id.* at 3.

³ *Id.* at 1.

⁴ *Id.* at 13, 17, 18, 19.

⁵ USDA, Office of Inspector General, Audit Report 33002-4-SF, *APHIS Animal Care Program Inspections of Problematic Dealers* (May 2010), at 16, available at <https://www.usda.gov/sites/default/files/33002-4-SF.pdf>.

Very truly yours,

[REDACTED]

Molly Johnson
Counsel, Captive Animal Law Enforcement

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